IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2710 OF 2004

Mr. Hirji B. Patel & Ors. ...Petitioners

V/s.

Davinder Kumar Jain & Ors. ...Respondents

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Mr. A.R. Khan, Adv. for the petitioner

Mr. K.S. Pachco, Adv. for respondent Nos. 1 and 2.

Mr. B.H. Mehta, A.P.P. for the State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATE : 19TH AUGUST, 2004

P.C..

1. Heard the learned advocate for the petitioners (original accused), learned advocate for the respondent Nos. 1 and 2 i.e. original complainants and the learned A.P.P. for the State.

2. This Court by order dated 22.3.2004, passed in criminal application No.1025 of 2004, quashed C.R. No.51/2002 which was pending before the learned Metropolitan Magistrate, 25th Court, Mazgaon, Mumbai. The complaint was lodged by respondents and the petitioners were accused therein. The said case was registered U/secs. 78 and 79 of Trade Marks Act 1958, section 63 of the Copyright Act and section 420 of I.P.C. During the course of investigation of C.R. No. 51/2002, the Crime

Branch, Unit-II, Worli, Mumbai has seized some property from the petitioner No.1 i.e. Mr. Hirji B. Patel. However, as no specific orders were passed in relation to the property hence, the said property is still lying in the police station. As the said C.R. has been quashed, it is necessary that the property be returned. The learned advocate for the petitioners i.e. original accused states that the property be returned to the complainants i.e. respondent Nos. 1 and 2. The learned A.P.P. has no objection to the property being returned to the respondent Nos. 1 and 2. In this view of the matter, by consent the property seized in this case be returned to the respondent Nos. 1 and 2 i.e. Davinder Kumar Jain and Luxor Writing Instruments Pvt. Ltd. respectively.

3. With the above directions, this application is disposed of.

4. Authenticated copy of this order be made available to the parties.